

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: : CHAPTER 13
: NO. 17-17469 MDC
ARON GUTTIN : :

**STIPULATION AND ORDER RESOLVING
RIVER'S BEND III CONDOMINIUM CONDOMINIUM ASSOCIATION'S
MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

COMES NOW, River's Bend III Condominium Association (the "Association") and Aron Guttin ("Guttin"), by and through their respective counsel, who state as follows:

A. The Association is a non-profit entity, operating in accordance with that certain Declaration of Condominium of River's Bend III, dated May 7, 1987, and recorded in the Office for the Recording of Deeds in an for Philadelphia County on May 8, 1987, in Deed Book FHS 776, Page 445 *et seq.*, and all amendments thereto (collectively, the "Declaration"), and applicable law, including the Uniform Condominium Act, 68 Pa. C.S. §3101 *et seq.* (the "UCA").

B. Guttin is an adult individual who resides and receives mail at 9584 B State Road, Philadelphia, Pennsylvania 19114 (the "Unit").

C. The Unit is located within, and is part of, River's Bend III, and as such, Guttin and the Unit are subject to the provisions of the Declaration, other documents governing the operation of the Association, and the UCA.

D. Pursuant to the recorded Declaration and Section 3315 of the UCA, the Association holds a lien against the Unit for all unpaid assessments, including general Common Expense assessments, special assessments, duly imposed fines, late charges and interest for delinquent assessments, as well as Court costs and reasonable attorneys' fees.

E. In addition, the Association holds a lien against the Unit by virtue of a Judgment entered in the Court of Common Pleas of Philadelphia County at August Term, 2015, Case No. 04012 in the amount of \$2,737.00.

F. Consistent with its obligations under the Declaration, the Association provides services and benefits to Guttin and the Unit which preserve the value of the Unit.

G. Guttin filed a voluntary Petition under Chapter 13 of the Bankruptcy Code on June 30, 2016.

H. On April 9, 2019, the Association filed a Motion seeking relief from the automatic stay which, *inter alia*, specified that the Debtor failed to remit post-Petition payments due to the Association in the amount of \$2,062.00.

I. The Association and Guttin desire to resolve the Motion, amend the Debtor's Plan, and provide for an orderly procedure to resolve the post-Petition assessment delinquency.

NOW THEREFORE, intending to be legally bound hereby, the parties hereto Stipulation and Agree as follows:

1. Guttin shall resolve the post-Petition delinquency in three (3) installments, each in the amount of \$687.34, payable on the first day of May, June, and July 2019.

2. In addition, commencing on May 1, 2019, and on or before the first day of each month that this Stipulation remains in effect, Guttin shall remit the monthly Common Expense assessment as well as any other duly adopted assessment directly to the Association on time and in the full amount. Currently, general assessments are accruing at the rate of \$150.00 per month. Guttin acknowledges that the monthly assessment shall be subject to increase in accordance with the Association's annual budget, or if a special assessment is imposed.

3. Guttin shall comply with the provisions of the Amended Chapter 13 Plan confirmed by Order dated October 4, 2018.

4. If Guttin fails to remit payments required by this Stipulation in a timely manner, the Association may assess its customary late fee.

5. Guttin shall maintain insurance on the Unit in types and amounts sufficient to protect the Association's lien, timely pay all senior mortgage installments, as well as utility charges or any other obligation which may become a priority lien against the Unit.

6. In the event that Guttin remains in default from any provision of this Stipulation for a period of ten (10) days from the date of written notice transmitted by first-class mail to Guttin at the Unit, with a copy to his attorney, Brad J. Sadek, Esquire, Law Office of Sadek and Cooper, 1315 Walnut Street, #502, Philadelphia, Pennsylvania 19107, transmitted via first-class and electronic mail, the Association may file a Certification of Counsel of Default, whereupon the Court shall enter an Order granting the Association relief from the automatic stay with respect to the Unit.

7. This Stipulation may be executed in counterparts and via facsimile or other electronic transmission, each of which, when assembled and attached hereto, shall constitute one and the same agreement.

IN WITNESS WHEREOF, the parties hereto have authorized their respective attorneys to execute this Stipulation and submit same to the Bankruptcy Court for approval.

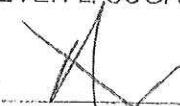
SADEK AND COOPER LAW OFFICES

By:


Brad Sadek, Esquire
Attorney for Aaron Guttin

STEVEN L. SUGARMAN & ASSOCIATES

By:

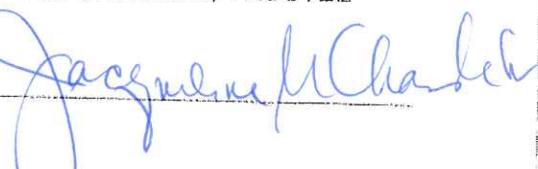

Steven L. Sugarman, Esquire
Elliot H. Berton, Esquire
Attorneys for River's Bend III
Condominium Association

NO OBJECTION AND RESERVATION OF ALL RIGHTS.

WILLIAM C. MILLER, TRUSTEE

5/10/19

By:



***without prejudice to any
trustee rights or remedies**

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: : CHAPTER 13
: NO. 17-17469 MDC
ARON GUTTIN :

**ORDER APPROVING STIPULATION BETWEEN
RIVER'S BEND III CONDOMINIUM ASSOCIATION AND ARON GUTTIN
RESOLVING MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

AND NOW, this day of , 2019, upon consideration of the Stipulation and Order Resolving River's Bend III Condominium Association's Motion for Relief from the Automatic Stay,

IT IS ORDERED:

1. The Stipulation is APPROVED.
2. The parties are hereby authorized and instructed to perform all acts required by the Stipulation.

BY THE COURT:

MAGDELINE D. COLEMAN, BANKRUPTCY JUDGE

Copies to:

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